

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SANDRA ARACE, derivatively on
behalf of Wachovia Corporation, :

Plaintiff, :

- against - :

G. KENNEDY THOMPSON et al., :

Defendants :

- - - - -x

CHIN, District Judge

Plaintiff commenced this action on September 10, 2008 by filing a complaint, at which time a summons was issued. More than 120 days have elapsed since the action was commenced, and plaintiff has failed to file an affidavit of service with the Court attesting to service of the summons and complaint on the defendants. Accordingly, this action will be dismissed without prejudice unless plaintiff, within thirty days from the date of this Order, either (1) file proof of service with the Clerk of the Court, or (2) show cause in writing why a further extension of the time limit for service is warranted. See Fed. R. Civ. P. 4(m).

SO ORDERED.

Dated: New York, New York
March 24, 2009


DENNY CHIN
United States District Judge

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ORDER

08 Civ. 7905 (DC)